

STATE OF MAINE  
SUPREME JUDICIAL COURT  
PROPOSED AMENDMENT TO  
MAINE RULES OF CIVIL PROCEDURE

**2013 Me. Rules 07**

Effective: December 3, 2013

All of the Justices concurring therein, the following amendment to the Maine Rules of Civil Procedure is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 80F, subdivision (e) of the Maine Rules of Civil Procedure is amended to read as follows:

**(e) Incomplete Filing.** Notwithstanding Maine Rule of Civil Procedure 5(f), the Clerk of the Violations Bureau or the Clerk's designee, may docket an incomplete filing in a traffic infraction matter for the sole purpose of being able to respond to customer service inquiries. The Clerk of the Violations Bureau or the Clerk's designee may dismiss an infraction if the original Violation Summons and Complaint charging that infraction is not received by the Violations Bureau within 30 days after receipt of the defendant's answer.

**Advisory Note – December 2013**

Rule 80F(e) is amended to address situations where a defendant has been served with a Violation Summons and Complaint and files an answer with the Violations Bureau, but the officer does not submit the original Violation Summons and Complaint to the Violations Bureau. Under the prior version of subsection (e), the Violations Bureau docketed these answers, which were sometimes accompanied by a fine payment, but were uncertain whether to return the funds when no Violation Summons and Complaint was later received. This amendment clarifies that the Violations Bureau shall retain the defendant's answer and any accompanying fine payment for thirty days. If the officer does not cause the original Violation Summons and Complaint to be filed within that time period, the

Clerk or the Clerk's designee may dismiss the infraction. This authority is similar to the Clerk's authority in subsection (f) to dismiss proceedings that have not been prosecuted by the State.

2. This amendment to the Maine Rules of Civil Procedure shall be effective December 3, 2013.

Dated: December 3, 2013

FOR THE COURT<sup>1</sup>



LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

JON D. LEVY

WARREN M. SILVER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

Associate Justices

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<sup>1</sup> This Rule Amendment Order is approved after conference of the Court, all Justices concurring therein.